

PLYMOUTH BOARD OF ZONING APPEALS

May 4, 2021

The Plymouth Board of Zoning Appeals met in regular session in the Council Chambers of the City Building, 124 North Michigan Street, Plymouth, Indiana on May 4, 2021 at 7:34 p.m. Board President Art Jacobs called the meeting to order for Board Member Mark Gidley, Alan Selge, Keith Wickens and Linda Secor. Others present were City Attorney Sean Surrisi, Plan Consultant Ralph Booker and Building Commissioner Keith Hammonds. Member Yadon and alternate member Webster were absent.

Board Members Wickens and Selge moved and seconded to approve the minutes of last regular meeting of April 6, 2021, as presented. The motion carried.

The following legal notice was advertised in the Pilot News on April 22, 2021:

<p>NOTICE OF PUBLIC HEARING The Board of Zoning Appeals of the City of Plymouth, Indiana will hold a public hearing on May 4, 2021 at 7:30 p.m. in the Council Chambers of the City Building, 124 N. Michigan St. (Garro St. entrance); Plymouth, Indiana on the following matters: BZA 2021-07: Chelsea and Matthew Smith, 6661 Michigan Rd, Plymouth, IN 46563: A Variance of Use to raise up to six (6) goats and twenty (20) chickens on parcel 50-42-20-000-061.000-009 located at 6661 Michigan Rd, Plymouth, IN 46563, zoned R-1, Rural Residential District. BZA 2021-08: Kesley and Cory Russell, 12545 Hillside Dr., Plymouth, IN 46563: A Special Use (Exception) to operate a Home Based Business.</p>	<p>116 Legals This would be a HVAC business using the home as an office and some inside storage of tools and equipment. There will be no outside employees and all work will be outside of the home. This will be located on parcel 50-32-94-000.160.000-018 located at 12545 Hillside DR., Plymouth, IN 46563, zoned R-2 Suburban Residential District. BZA 2021-09: Christina Papple, 523 N. Plum St., Plymouth, IN 46563: A Variance of Development Standards to place a ten (10) by sixteen (16) storage shed three (3) feet from the south side yard and three (3) feet from the rear yard on parcel 50-32-93-101-003.000-019 located at 523 N. Plum St, Plymouth, IN 46563, zoned R-3, Traditional Residential District. Information on these matters may be obtained at the office of the Clerk-Treasurer, 124 N. Michigan St., Plymouth, IN, and telephone #574-936-2124. Written objections to the proposal filed at the Clerk-Treasurer's office will be considered and oral comments will be</p>	<p>116 Legals heard. The hearing may be continued from time to time as may be found necessary. If you are disabled and need special accommodations, please call the ADA Coordinator at 574-936-2948. Kathryn Hickman, Recording Secretary, Board of Zoning Appeals, April 22, 2021 <small>April 22, 2021 PN323414 hspaxp</small></p>
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BZA 2021-07: Chelsea and Matthew Smith, 6661 Michigan Rd, Plymouth, IN 46563: A Variance of Use to raise up to six (6) goats and twenty (20) chickens on parcel 50-42-20-000-061.000-009 located at 6661 Michigan Rd, Plymouth, IN 46563, zoned R-1, Rural Residential District

Plan Consultant Booker reviewed the findings of fact and the request from the applicant. He read the applicant's letter aloud. See attached letter below.

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Date: March 25, 2021

RE: Letter of Intent for Variance of Use request

To whom it may concern:

Chelsea and Matthew Smith (H/W) are the owners of 6661 Michigan Rd, Plymouth, IN 46563. We are requesting a Variance of Use for our property to be allowed to have up to 6 goats and 20 chickens on our property that will be properly housed/enclosed and cared for. Our property being within the 2-mile zone of the City of Plymouth requires this Variance of Use. The desire for the goats is for our 3 (soon to be 4) children can learn responsibility and enjoy 4H. The desire for the chickens is for the meat and the EGGS.

Enclosed with this packet is the completed Variance of Use application, A site plan (print off from Beacon showing our property and where the enclosures would be and other information requested), and legal description of the property attached.

Names and addresses of adjoining property owners within 300 ft:

- John J Oliver – 13339 6A Rd, Plymouth, IN 46563
- John C Oliver Jr – 13337 6a Rd, Plymouth, IN 46563
- Miguel & Tabitha Medrano – 6689 Michigan Rd, Plymouth, IN 46563
- Harold & Jane Abair – 6699 Michigan Rd, Plymouth, IN 46563
- Daniel & Melissa Neldig – 6400 Michigan Rd, Plymouth, IN 46563
- Danny Perry – 6720 Michigan Rd, Plymouth, IN 46563

As lifelong residents of Marshall County, this is our first time living within the 2 mile zone and adjusting to the regulations that come along with it. We appreciate your consideration of this application.


Chelsea R Smith

Cell 574-952-8909


Matthew J Smith

Cell 574-952-0234

Booker stated that the livestock was already on the property. Also, the neighbors also had goats which were not in compliance either as they had not received a variance. He had contacted the building inspector to go and inform them that they are not in compliance at this time.

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Jacobs asked that since they already have the livestock, how this variance was brought up. Booker stated that he believed that they found out that this was a requirement, and chose to do the honest thing to come in and get the variance for the livestock approved.

Applicant Chelsea Smith was present to talk about her request and answer questions from the board. Smith stated that she never knew that a variance for this was required. She originally found out that it was required when she was trying to find out if there was a certain amount of goats allowed or a way to keep the neighbor's goats off of her property. She then contacted Booker and was informed that they were not allowed to have any, which was why she applied for the variance.

Selge asked if the neighbor's goats were still able to get into her yard. She stated that they still come into her yard and it was still an ongoing issue.

Board Members Selge and Wickens moved and seconded to open the public hearing. The motion carried.

Christina Pepple of 523 N. Plum St., Plymouth spoke in favor of the proposal. She stated that she thought this idea was great and that having chickens to lay eggs is a wonderful idea.

Steve Pepple of 306 Beachwood Ave, Bourbon spoke in favor of the proposal. He stated that as long as the chickens and goats are contained well and well taken care of it is a wonderful idea especially for the use of 4-H.

There being no other comments, Board Members Selge and Wickens moved and seconded to close the public hearing. The motion carried.

Gidley stated that he appreciated the fact of the applicants coming forward to make it right. He also appreciated the effort of the applicants at keeping the animals contained on their property. Previously he was not in favor of this type of thing, but since his daughter started getting goats and chickens, he found that it was wonderful to have homegrown eggs. As long as they are contained he would see nothing wrong with this request.

Board Members Gidley and Wickens moved and seconded to approve BZA 2021-07 as presented. The motion passed by roll call vote.

Yes: Gidley, Jacobs, Selge, Secor, Wickens
No: None
Absent: Webster and Yadon

BZA 2021-08: Kesley and Cory Russell, 12545 Hillside Dr., Plymouth, IN 46563: A Special Use (Exception) to operate a Home-Based Business. This would be a HVAC business using the home as an office and some inside storage of tools and equipment. There will be no outside employees and all work will be outside of the home. This will be located at on parcel 50-32-94-000.160.000-018 located at 12545 Hillside Dr., Plymouth, IN 46563, zoned R-2 Suburban Residential District.

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Plan Consultant Booker reviewed the findings of fact and the request from the applicant. He read the applicant's letter aloud. See attached letter below.

Wednesday April 14, 2021

Cory Russell

12545 Hillside Drive

Plymouth, Indiana 46563

Letter of Intent

To Whom this may concern:

My name is Cory Russell. I am writing this letter to explain my intentions for opening Russell Heating and Cooling LLC out of my home. After working for several heating and cooling companies over the last 12 years, I have decided to pursue the endeavor of opening and running an HVAC company.

As stated in the Special Exceptions application, more than twenty-five percent of the home will be used for business related storage which has resulted in the requirement of the special exception. All tools and equipment will be kept within the home and out of view from adjacent properties. One business related vehicle will be kept on the property. There will be no other employees other than myself and my wife who will be working within the home as a receptionist. I will be picking up equipment from suppliers as needed which will prevent deliveries from suppliers. We will not be placing any signs in the yard as a form of advertising or for any other purpose. No work will be done on or in the property. The property will serve solely as a physical address for the business, an office space, and a place to store tools and equipment as needed.

In closing, opening this business from my home will not affect the essential character of the area. It will have no affect to public health, safety, morals or the welfare of the community.

I thank you for allowing me to present to you the reasons I have discussed in the special exception application.

Thank you,



Cory Russell

Booker stated that a home-based business is a business that is carried out for gain of one or more of the property owners. Work should be done outside of the home and property. Outside of storage of items is permitted privy to the Board of Zoning Appeals approval. The applicant stated in their application and letter that there would not be any outside storage of materials. Also, there should not be any retail sales on the property.

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Cory Russell was present to talk about his request and answer the questions of the board. He stated that a few neighbors had asked if they were planning on building a pole barn. They have no intent to build a pole barn. He added that there will be no vendor deliveries to the house. They were planning on just starting the business and see how it goes. If it were to take off, they would buy or rent a commercial property in town. Everything will be stored inside the garage and no left-over parts or materials would be left outside.

Selge asked if there was a Homeowners Association in this neighborhood. Russell stated that there was not an HOA.

Board Members Selge and Wickens moved and seconded to open the public hearing. The motion carried.

Booker Read aloud the following letters from the public.

Letsinger James & Brianna

12609 Emerald Court

Plymouth, IN 46563

Dear Board of Zoning,

Regarding the mail we received...We are in favor of request BZA 2021-08 regarding a Home Based Business at The Russell residence @12545 Hillside Drive Plymouth, IN.

Thank you!

James Letsinger

 4/22/21

Brianna Letsinger

 4/22/21

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Michelle & Steve Potoczky
12511 Hillside Dr.
Plymouth, IN 46563
mspotoczky@gmail.com

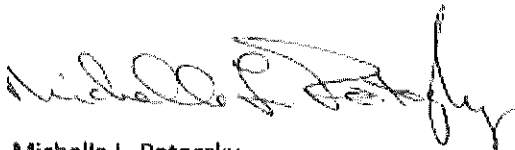
To Whom It May Concern,

April 28, 2021

We will not be able to make it to the hearing on May 4th. We did want to share with the committee we are in favor of the Russell's having their business in their home. We have no problems with this and wish them the best.

BZA 2021-08)

Sincerely,



Michelle L. Potoczky



Steven A. Potoczky

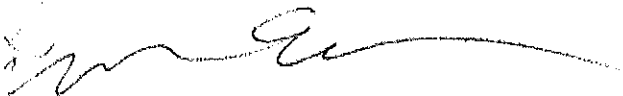
Laura Elpers
12491 Hillside Dr.
Plymouth IN 46563

4/28/21

Dear Plymouth Board of Zoning Appeals,

I Laura Elpers am in favor of Kesley and Cory Russell operating a home based HVAC business at 12545 Hillside Dr., Plymouth, IN 46563.

Sincerely,



Laura Elpers

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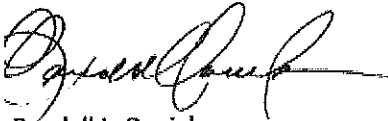
May 3, 2021

Plymouth Board of Zoning Appeals
124 N. Michigan Street
Plymouth, Indiana 46563

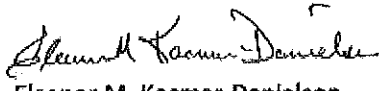
RE: BZA 2021-08 Kesley and Cory Russell

My wife and I are adjacent property owners located at 12638 Emerald Court, Plymouth. After consulting with Cory Russell on April 28th, I was assured that there would not be any placement or storage of related tools and equipment located outside of an existing attached garage and there would be no future request to expand an existing yard shed or seek approval for a future building structure to house a business enterprise.

I applaud their entrepreneurial spirit and desire to soon establish a proper business location within the City of Plymouth.



Randall L. Danielson



Eleanor M. Kacmar-Danielson

Board Members Selge and Wickens moved and seconded to close the public hearing. The motion carried.

Board Members Selge and Secor moved and seconded to approve BZA 2021-08 as presented as long as they abide by the no signs other than the service vehicle, no outside employees, no outside storage, no retail sales, and no deliveries as stated. The motion passed by roll call vote.

Yes: Gidley, Jacobs, Selge, Secor, Wickens
No: None
Absent: Webster and Yadon

BZA 2021-09: Christina Pepple, 523 N. Plum St., Plymouth, IN 46563: A Variance of Development Standards to place a ten (10) by sixteen (16) storage shed three (3) feet from the south side yard and three (3) feet from the rear yard on parcel 50-32-93-101-003.000-019 located at 523 N. Plum St, Plymouth, IN 46563, zoned R-3, Traditional Residential District.

Plan Consultant Booker reviewed the findings of fact and the request from the applicant. He read the applicant's letter aloud. See attached letter below.

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Christina Pappalardo
523 N Plum Street
Plymouth, IN 46563

4/13/2021

To Whom It May Concern:

This letter is in regards to a new garden shed I'm wanting to place in my yard. Zoning rules and regulations say my shed will have to be 10 and 15 feet from my property lines.

Reason for my request is to see if I can place my shed to the back corner of my property. If I place my shed with 10 and 15 feet from property lines it will place the said shed near the middle of my yard taking away valuable yard space used by my children to play in.

My neighbor to the south has no problem with where I place my shed and to the west of my property is

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a very large parking lot located behind rise n roll bakery.

I was originally unaware that I had to have a permit due to me being a new homeowner. It was my mistake. However I ended up purchasing a 10x16' garden shed customized to the colors of my home to provide storage and also be pleasing to the eye. I'm constantly trying to move up in the world and felt having this beautiful shed would also help to make my home look beautiful.

Please grant my request so my family can continue to enjoy our yard and also have storage for all things needing to be stored.

Thank you
Christina Pepple

Booker stated that the property owners already have a few temporary storage sheds and playground equipment on the property. They hope to place the shed in the corner of their property near the fence between them and their neighbor and the parking lot of the Rise 'n Roll Bakery.

Christina Pepple was present to speak about her request and answer the questions of the board. She stated that the current temporary shed was rickety and she would like to replace it with this new shed. She got it in the colors of the house in order to make it pretty and enhance their property. She had previously discussed with the neighbors and both have told her that they did not mind where the shed was placed. She mentioned that, if possible, she would like to try placing the shed on the property line if the board would allow.

Jacobs stated that the problem with placing a building on a property line would be that there would be no way to maintain the structure without going onto someone else's property.

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Selge stated that since the request states 3 feet and that was what was advertised that is what they would have to stay with.

Board Members Selge and Wickens moved and seconded to open the public hearing. The motion carried.

Booker read aloud the following letter.



April 16, 2021

To Whom It May Concern:

I have been made aware that Christina Pepple of 523 N. Plum Street has a desire to locate a storage shed within 10' of her property line. As the owner of the property adjacent (on the western side of Ms. Pepple's property) located at 440 W. Jefferson, doing business as Rise 'n Roll Bakery, I have no objection whatsoever to Ms. Pepple locating that storage shed within 10' of my property line.

Having no objections, I felt it advisable to give Ms. Christina Pepple this letter in support of her attempt to receive a variance regarding her request. If I can be of any further assistance don't hesitate to contact me personally at 574-910-2252.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Chamberlin".

Daniel P. Chamberlin

Bill Walters of 822 W. Laporte St., Plymouth spoke in favor of the request. He stated that this was one of the best maintained Habitat for Humanity houses in the county. He stated that it was a very attractive house and with this she was trying to make a place where her items were safe and secure.

Board Members Wickens and Secor moved and seconded to close the public hearing. The motion carried.

Board Members Selge and Wickens moved and seconded to approve PC 2021-09 as presented. The motion passed by roll call vote.

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Yes: Gidley, Jacobs, Selge, Secor, Wickens
No: None
Absent: Webster and Yadon

City Attorney Surrisi presented Resolution 2021-948: A Resolution of the Plymouth Board of Zoning Appeals Adopting an Electronic Meeting Policy.

Surrisi stated that for the last year the meetings had been able to be held electronically due to the Emergency Powers. This executive order is due to expire at the end of the month unless renewed by the governor. This Resolution would allow for the continuation of meetings electronically with a slightly tighter restriction to it. For the Board of Zoning Appeals three members must be present in person to hold the meeting. If a member is attending virtually, they will need to be able to be seen and heard to vote, and all votes must be done by roll call vote. A member cannot attend more than two meetings in a row virtually before attending in person, and cannot attend more than half of the year's meetings virtually.

Board Members Selge and Wickens moved and seconded to approve Resolution 2021-948, A Resolution of the Plymouth Board of Zoning Appeals Adopting an Electronic Meeting Policy as presented. The motion passed by roll call vote.

Yes: Gidley, Jacobs, Selge, Secor, Wickens
No: None
Absent: Webster and Yadon

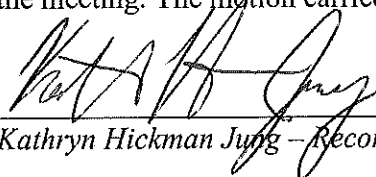
Building Commissioner Hammonds reported on 1220 Lincolnway East. He stated that Paul Oviedo had not done anything more than what he had done before with the property since the last meeting and Oviedo had not been in touch with Hammonds since.

Jacobs asked how much longer Oviedo has to complete this task before the variance would be revoked again. Hammonds stated he believed that Oviedo had about six months left.

Selge asked if Hammonds lived really close to the building to know that nothing is being done at the property. Hammonds stated that he lives right next to the building.

Wickens asked if any of the apartments in the building were rented. Hammonds stated that no there are no tenants in the building as the entire place is demoed.

There being no other business, Board Members Gidley and Secor moved and seconded to adjourn the meeting. The motion carried and the meeting adjourned at 8:29 p.m.


Kathryn Hickman Jung - Recording Secretary

